

Docket No. F-7115

Ser. No. 09/934,237

REMARKS

Claims 2-8 are now pending in this application. Claims 1 and 2 are rejected. Claims 3 and 4 are objected to. Claim 1 is cancelled herein. New claims 5-8 are added. Claim 2 is amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues. Claims 3 and 4 are amended herein to stand in independent form and to address matters of form unrelated to substantive patentability issues. For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Tagami reference. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

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Claim 2 recites that the integer value is greater than 1 and that the given number of samples equal N times a number of bits of a repeating pattern of the delta sigma modulation when the analog signal has a zero value. The claim further requires the addition means to take a sum of the 1-bit signals of the given number of samples. Thus, the claim requires the addition means to add up the bits of more than one repeating pattern of the delta sigma modulation signal. This is not taught by the Tagami reference.

In the Office Action the Examiner reads claim 2 on the Tagami reference by setting N equal to 1. Claim 2 now recites that N is greater than 1. The Tagami reference only teaches taking the sum of individual repeating patterns of 8 bits and determining if the sums equal 4. It does not teach summing more than one pattern. Furthermore, with regard to dependent claims 5 and 6, it does not teach that the comparison can be made to half the number of bits of a number of repeating patterns greater than one.

Accordingly, claim 2 particularly describes and distinctly claims at least one element not disclosed in the cited reference. Therefore, reconsideration of the rejection of claim 2 and its allowance are respectfully requested.

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ALLOWABLE SUBJECT MATTER OBJECTIONS


Claims 3 and 4 are objected to as being dependent from rejected base claims. The Examiner indicates that the claims contain allowable subject matter and would be allowed if put in independent form incorporating the limitations of the base and intervening claims. The claims are amended in accordance with the Examiner's suggestion. Claim 3 now includes the subject matter of claims 1 and 2. Claim 4 now includes the subject matter of claims 1 and 2. Reconsideration of the objection and allowance of the claims are respectfully requested.

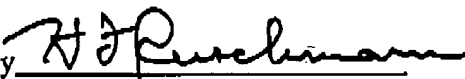
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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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